

S.C. 20379	:	SUPREME COURT
STATE OF CONNECTICUT	:	STATE OF CONNECTICUT
v.	:	J.D. WATERBURY
JAVIER VALENTIN PORFIL	:	JUNE 19, 2020

MOTION FOR EXTENSION OF TIME TO FILE REPLY BRIEF

The defendant/appellant moves this court pursuant to Conn. Prac. Bk. §§ 66-1, and 66-2, for an extension of time of up to and including **JULY 29, 2020**, to file his reply brief in this case. The state has no objection to the granting of this motion. The defendant is incarcerated.

I. BRIEF HISTORY OF THE CASE.

Following the defendant's jury trial in the Superior Court for the Judicial District of Waterbury, Geographical Area No. 4 at Waterbury, *Harmon, J.*, the defendant was convicted of possession of narcotics with intent to sell, in violation of Conn. Gen. Stat. § 21a-278 (b), sale of a controlled substance within 1500' of a school zone, in violation of Conn. Gen. Stat. § 21a-278a (b), possession of drug paraphernalia, in violation of Conn. Gen. Stat. § 21a-267(a), possession of narcotics, in violation of Conn. Gen. Stat. § 21a-279 (a), and interfering with an officer, in violation of Conn. Gen. Stat. § 53a-167a. He was sentenced to 20 years incarceration, suspended after 10 years, with 8 years mandatory minimum, and 5 years probation. The defendant's appeal was filed on April 4, 2017. The defendant's brief was filed on May 9, 2018; the state's brief was filed on September 4, 2018. A reply brief was duly filed, and, on January 9, 2019, the case was argued to the Appellate Court. On July 30, 2019 the Court affirmed the defendant's convictions. On October 16, 2019, this Court granted certification; the appeal was filed on November 1, 2019.

II. SPECIFIC FACTS RELIED UPON.

This case was originally handled as a student case in the Quinnipiac Appellate Defense Clinic, but is now being handled by the undersigned, alone.

Counsel filed the brief in *State v. Jackson*, A.C. 41916, on May 10, 2019, and the reply brief in *State v. Green* on May 22, 2019. Counsel filed student briefs in *State v. Pjura*, A.C. 41869, on June 5, 2019, *State v. Schimanski*, A.C. 41802, on June 21, 2019, and *State v. Freddy T.*, A. C. 41755, on June 21, 2019. Counsel was then out of state on a two week vacation from June 23, 2019 to July 8, 2019. Upon his return, he filed the brief in *State v. Hazard*, S.C. 20103, on July 17, 2019, and the petition for certification in *State v. Pugh* on July 31, 2019. Counsel filed petitions for certification in *State v. Porfil* on August 28, 2019, *State v. Kerlyn T.* on August 30, 2019, and *State v. Alicea* on September 11, 2019. Counsel argued *State v. Green* on September 20, 2019.

Counsel filed a reply brief in *State v. Imperiale*, on September 27, 2019, a response to the state's petition for certification in *State v. Marsan* on the same day, the reply brief in *State v. Jackson* on October 18, 2019, and the petition for certification in *Doan v. Commissioner* on the same day. Counsel filed the main brief in *State v. Fisher* on December 6, 2019. Counsel filed the main brief on certification in *State v. Porfil* on January 3, 2020, and the reply brief in *State v. Pjura* that same day. Counsel filed the reply brief in *State v. Schimanski* on January 23, 2020, and the main brief on certification in *State v. Alicea* on February 6, 2020. Counsel filed the reply brief in *State v. Hazard* on February 20, 2020, and the petition for certification in *State v. Randy G.* on February 27, 2020. Counsel filed the main brief on certification in *State v. Kerlyn T.* on March 18, 2020; thereafter, the Court system shut down.

Since the shutdown, counsel wrote and filed the reply brief in *State v. Kerlyn T.*, and the briefs in *State v. Paschal*, A.C. 43270, and *State v. Collins*, A.C. 43030. Hard copies of all three were filed on June 17, 2020. In addition, counsel had one mock argument, at the Appellate Court's request, and four real video arguments in late April, May and June (*State v. Freddy T.*, *State v. Hazard*, *State v. Pjura*, and *State v. Schimanski*). These required multiple moots, as 3 were student arguments.

Since the shutdown, counsel has also concluded his classes, teaching remotely. Counsel has assembled the appendices to his student briefs, and is in the process of completing the last two. Once the third is done, counsel will begin editing and assembling the fourth and this reply brief simultaneously.

III. LEGAL GROUNDS RELIED UPON.

The defendant relies upon Conn. Prac. Bk. §§ 66-1, and 66-2, and the effective assistance of counsel guaranteed by the Sixth Amendment to the United States Constitution and by Article I, Section VIII of the Connecticut Constitution.

Respectfully submitted,

Javier Valentin Porfil

BY: /s/ James B. Streeto
SR. ASST. PUBLIC DEFENDER
OFFICE OF CHIEF PUBLIC DEFENDER
OFFICE JURIS NO. 307285
55 WEST MAIN STREET, SUITE 430
WATERBURY, CT 06702
TEL. (203) 574-0029
FAX (203) 574-0038
James.Streeto@jud.ct.gov

CERTIFICATION

Pursuant to P.B. §§ 62-7 and 66-3 it is hereby certified that a copy of the foregoing was sent electronically this 19th day of June 2019 to: Laurie Feldman, Juris No. 434331, Office of the Chief State's Attorney, 300 Corporate Place, Rocky Hill, CT 06067, tel. (860) 258-5807, fax (860) 258-5828, Laurie.Feldman@ct.gov; and was sent by mail to the defendant, Javier Valentin Porfil, # 300447, Robinson Correctional Center, 285 Shaker Road, POB 1400, Enfield, CT 06082. It is also certified that the defendant-appellant's motion complies with all of the applicable rules of appellate procedure and has been redacted and does not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order or case law.

James B. Streeto _____

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